

FILED

OCT 23 2018

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DALE W. JOHANSEN,

Defendant.

No. S1-4:18-cr-00016-AGF

SUPERSEDING INFORMATION

The United States Attorney charges:

1. At all times relative to this Information, Rogue Creek was a vacation community containing three lakes located in Potosi, Missouri and composed of approximately 90 active connections to the drinking water and sewer systems. Drinking water to this community was supplied by well water obtained through an on-site well. In 1994, Rogue Creek Utilities, Inc. was established to provide all sewer and water services and management to Rogue Creek.

2. On or about November 1, 2011, JOHANSEN established Johansen Consulting Services, later Johansen Consulting Services LLC, located in Jefferson City, Missouri. JOHANSEN was the sole manager of Johansen Consulting Services, LLC. Johansen Consulting Services, LLC, was appointed as the receiver for Rogue Creek Utilities, Inc. and JOHANSEN became responsible for overseeing its drinking water and wastewater utilities on June 11, 2012.

3. In or around 1994, the Missouri Department of Natural Resources ("MDNR") received results concerning levels of lead in the well water at Rogue Creek. As a result, the MDNR mandated that Rogue Creek Utilities, Inc. treat the well water for lead removal. A treatment system was installed and

later replaced by a lead reduction system (hereinafter “water softener system”) which had been approved by the MDNR on or about January 8, 2003.

4. At all times relative to this Information, as part of JOHANSEN’s duties as receiver, JOHANSEN was required to collect samples and provide proper operation at Rogue Creek, including the oversight and maintenance of the water softener system. In or about March of 2016, the MDNR attempted to schedule a routine inspection of Rogue Creek’s drinking water system. On or about March 9, 2016, the MDNR learned that the water softener system at Rogue Creek was not operational. During the timeframe that the water softener system was off, the residents of Rogue Creek received well water that was not treated for lead removal.

5. On or about March 10, 2016, the Missouri Rural Water Association, at the request of the MDNR, traveled to Rogue Creek to perform maintenance on the water softener system. On this same day, the water softener system was brought back on-line so that the water was again being treated to remove lead.

6. On or about March 11, 2016, the MDNR performed testing on the drinking water at Rogue Creek. Results of this testing showed that three of five samples tested high for lead. The MDNR issued a DO NOT DRINK ORDER for the community of Rogue Creek on or about March 11, 2016 recommending that residents drink bottled water. This ORDER was not lifted until on or about May 2, 2017.

7. On or about March 17, 2016, within the Eastern District of Missouri,

DALE W. JOHANSEN,


the defendant herein, did willfully and knowingly make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the Environmental Protection Agency

by telling investigators with the Missouri Department of Natural Resources that the water softener system had been off-line for 6-8 weeks from the day of the interview. In truth and fact, JOHANSEN well knew the water softener system had not been in operation since September 2015 (almost 6 months from the day of the interview).

In violation of Title 18, United States Code, Section 1001.

Respectfully submitted,


JEFFREY B. JENSEN
United States Attorney

A handwritten signature in dark ink, appearing to read "Dianna R. Collins", is written over a horizontal line.

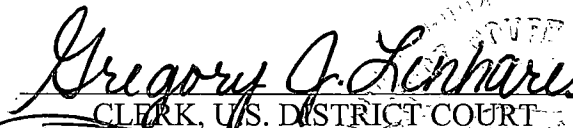

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UNITED STATES OF AMERICA)
EASTERN DIVISION)
EASTERN DISTRICT OF MISSOURI)

I, Dianna R. Collins, Assistant United States Attorney for the Eastern District of Missouri,
being duly sworn, do say that the foregoing information is true as I verily believe.


DIANNA R. COLLINS, #59641MO

Subscribed and sworn to before me this 23 day of October, 2018.


CLERK, U.S. DISTRICT COURT
By: 
DEPUTY CLERK
